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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,373	07/11/2001	Terry Lynn Cole	5500-58300	1646
7590	10/11/2005		EXAMINER	
B. Noel Kivlin Conley, Rose, & Tayon, P.C. P.O. Box 398 Austin, TX 78767			MASON, DONNA K	
			ART UNIT	PAPER NUMBER
			2111	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*Re*

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/904,373	COLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Donna K. Mason	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 22 July 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1,3-7,9,11-19,21,23 and 25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-7,9,11-19,21,23 and 25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 11 July 2001 is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed July 22, 2005 have been fully considered but they are not persuasive.

Applicant argues that Satore in view of Clarke, further in view of Murphy does not teach or suggest all the features of the claims. More specifically, Applicant argues that Murphy does not teach or suggest, "reading configuration information from the peripheral device, wherein the configuration information includes device identification information, wherein said reading is performed over a serial side bus, wherein the serial side bus is separate from the peripheral bus, wherein the serial side bus is coupled to the host controller and the peripheral device" as recited in independent claim 1, and as similarly recited in independent claim 14.

Contrary to the Applicant's assertions, it should be noted that the Examiner does not rely upon Murphy for teaching every element of the aforementioned limitation. As stated in the rejection of claims 1 and 14, the Examiner relies upon Murphy only for teaching where a side serial bus is separate from a peripheral bus. Clarke teaches the remaining elements of the aforementioned limitation, namely the step of reading configuration information from a peripheral device, where the reading is performed over a bus, and where the bus is coupled to the host controller and the peripheral device. It would have been obvious for one of ordinary skill in the art to use a dual bus configuration, as taught by Murphy, in the method and computer system taught by Satore in view of Clarke. The suggestion or motivation for combining these teachings

would have been to increase the speed of the system by separating the functions performed (i.e., reading configuration information from the peripheral device as taught by Sartore in view of Clarke) between the host controller and peripheral device.

Applicant also argues that Murphy is silent regarding the serial cable/link 18, and further argues that Murphy fails to provide any teaching or suggestion as to how the functions performed between the host controller and peripheral devices may be separated. The Examiner is not persuaded by these arguments. As shown in Figs. 2 and 4, the functions performed between the host controller 14 and the peripheral device 10 are clearly separated by use of the serial side bus 18 and the peripheral bus 16. For example, as described in column 6, lines 35-39, the function of booting from the driver occurs on the peripheral bus 16 and the function of communicating access information to the controller occurs on the serial side bus 18.

Furthermore, in response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., functions between the host controller and the peripheral devices are separated) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, the Examiner cannot allow claims 1, 3-7, 9, 11-19, 21, 23, and 25.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-7, 9, 11-19, 21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,012,103 to Sartore, et al. ("Sartore") in view of U.S. Patent No. 4,916,692 to Clarke, et al. ("Clarke"), and further in view of U.S. Patent No. 5,604,906 to Murphy, et al. ("Murphy").

With regard to claims 1, 3, 14, and 15, Sartore discloses a method including the steps of querying a peripheral bus (column 1, lines 55-66), determining the presence of a peripheral device (column 1, lines 55-60), and reading configuration information (columns 1 and 2, lines 66-67 to lines 1-3), where the reading is performed over a serial side bus, and the serial side bus is coupled to the host controller and the peripheral device (Fig. 2, item 60; column 2, lines 43-45 and column 4, lines 24-30). The steps of querying, determining, reading, and configuring are performed by a host controller coupled to the peripheral bus (column 1, lines 55-60). Furthermore, Sartore discloses that the peripheral bus is a serial bus (column 1, lines 39-40).

With regard to dependent claims 4-7 and 16-19, Sartore discloses the configuration information including "one or more" of the characteristics enumerated in claims 4 and 16, where the clocking information includes a determination of whether a peripheral clock is a master clock or a slave clock, where the configuration information is passed from the peripheral device to the host controller (column 2, lines 43-45 and

column 4, lines 24-30). Sartore also discloses the host controller reading device identification information from the peripheral device, and obtaining additional configuration information from a lookup table (column 1, lines 66-67 to column 2, lines 1-3).

With regard to dependent claims 9 and 21, Sartore discloses storing the configuration information in a serial erasable programmable read-only memory (EPROM) (column 4, lines 21-23).

With regard to dependent claims 11-13, 23, and 25, Sartore discloses where the device identification information including includes identification and function of the peripheral device, and plug and play compatibility, and querying, determining, reading, and configuring additional peripheral devices coupled to the peripheral bus (column 2, lines 32-67 to column 3, lines 1-35).

Sartore does not expressly disclose the step of configuring the bus, where the configuring includes programming the peripheral device to use one or more timeslots, as recited in independent claims 1 and 14.

Clarke discloses the step of configuring the bus, where the configuring includes programming the peripheral device to use one or more timeslots (column 1, lines 47-68 to column 2, lines 1-39).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the step of configuring a bus in Clarke with Sartore.

The suggestion or motivation for doing so would have been to optimize versatility and speed in communications over the bus (column 1, lines 11-13).

Therefore, it would have been obvious to combine Clarke with Sartore.

With further regard to independent claims 1 and 14, Sartore in view of Clarke does not expressly disclose the method or computer system where the serial side bus is separate from the peripheral bus.

Murphy discloses where a side serial bus is separate from a peripheral bus (Fig. 2, item 18 (serial bus) and item 16 (peripheral bus)).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Murphy with Sartore in view of Clarke.

The suggestion or motivation for doing so would have been to increase the speed of the system by separating functions performed between the host controller and peripheral devices (column 4, lines 66-67 to column 5, lines 1-6).

Therefore, it would have been obvious to combine Murphy with Sartore in view of Clarke, to obtain the invention as specified in claims 1, 3-7, 9, 11-19, 21, 23, and 25.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna K. Mason whose telephone number is (571) 272-3629. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on (571) 272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKM



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